

AMENDED IN SENATE AUGUST 7, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2777

Introduced by Assembly Member Huff

February 24, 2006

An act to amend Sections 1800, *1801*, and 1820 of the Military and Veterans Code, relating to veterans.

LEGISLATIVE COUNSEL'S DIGEST

AB 2777, as amended, Huff. Military and veterans: veterans' organizations.

(1) Existing law prohibits the sale, representation, or manufacture of poppies, badges, or labels represented as being sponsored, endorsed, or offered by a veterans' organization, as defined, when the poppy, badge, or label is not sponsored, endorsed, or offered by a veterans' organization. Existing law also makes it unlawful for any person to represent, directly or indirectly, that an act of solicitation is sponsored, endorsed, or made by or at the request of a veterans' organization, when it is not sponsored, endorsed, or made by a veterans' organization. Any person who violates these prohibitions is guilty of a misdemeanor.

This bill would expand the definition of a veterans' organization, as provided, thereby imposing a state-mandated local program by expanding the definition of a previously existing crime.

(2) Existing law prohibits the willful wearing or use of a badge, lapel button, rosette, or other recognized insignia, as provided, of the American Legion, Disabled American Veterans, or Veterans of Foreign Wars, unless the person is entitled to wear or use the badge, lapel button, rosette, or other insignia under the rules and regulations

and with the express permission of the American Legion, Disabled American Veterans, or Veterans of Foreign Wars. Violation of this prohibition is punishable as a misdemeanor, as described.

This bill would expand the list of veterans' organizations included in the prohibition, thereby imposing a state-mandated local program by expanding the scope of an existing crime.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1800 of the Military and Veterans Code
2 is amended to read:
3 1800. As used in Section 1801:
4 (a) “Veterans’ organizations” means ~~the American Legion,~~
5 ~~Veterans of Foreign Wars, Disabled American Veterans, United~~
6 ~~Spanish War Veterans, Grand Army of the Republic, or other any~~
7 ~~duly congressionally recognized or chartered organization of~~
8 ~~honorably discharged soldiers, sailors, or marines members of the~~
9 ~~Armed Forces of the United States, or any of their auxiliaries,~~
10 ~~including, but not limited to, the Air Force Sergeants~~
11 ~~Association, American Ex-Prisoners of War, American Legion,~~
12 ~~American Veterans, Armed Forces Retirees Association of~~
13 ~~California, Association of the United States Army, Blinded~~
14 ~~Veterans Association, California Association of County Veterans~~
15 ~~Service Officers, California State Commanders Veterans~~
16 ~~Council, Disabled American Veterans, Fleet Reserve~~
17 ~~Association, Jewish War Veterans, Legion of Valor, Marine~~
18 ~~Corps League, Military Officers Association of America, Military~~
19 ~~Order of the Purple Heart, National Association for Uniformed~~
20 ~~Services, Paralyzed Veterans of America, Reserve Officers~~
21 ~~Association, Retired Enlisted Association, Veteran of Foreign~~
22 ~~Wars, Vietnam Veterans of America, or WAVES National.~~

(b) "Poppy" means any article fashioned of cloth, paper, or other material which represents or resembles the poppy or other flower.

(c) "Badge" means any badge, rosette, lapel button, or other insignia of any veterans' organization or any imitation thereof.

(d) "Label" means any card, paper, sign, certificate, banner, or other material containing the name of or a similar name to that of any veterans' organization.

SEC. 2. Section 1801 of the Military and Veterans Code is amended to read:

1801. It is unlawful for any person to do any of the following acts:

(a) To hawk, peddle, vend, offer to sell, give away, or offer to give away any poppy, badge, or label, which appears to be, or is represented directly or indirectly as being, sponsored, endorsed, or offered by any veterans' organization, when such poppy, badge, or label is not so sponsored, endorsed, or offered by any veterans' organization.

(b) To represent in any way, directly or indirectly, that any poppy, badge, or label is sponsored, endorsed, or is being offered by a veterans' organization when it is in fact not so sponsored, endorsed, or offered by that veterans' organization.

(c) To represent in any way, directly or indirectly that any act of solicitation of the contribution of funds or property or for the purchase or sale of any merchandise or services is sponsored, endorsed, or made by or at the request of a veterans' organization when it is not in fact so sponsored, endorsed, or made by that veterans' organization.

(d) To manufacture, process, assemble or distribute, or offer for sale, any poppy, badge, or label which appears to be, or is represented directly or indirectly as being, sponsored, endorsed, or offered by any veterans' organization, when such poppy, badge, or label is not so sponsored, endorsed, or offered by any veterans' organization.

Any person, whether or not an honorably discharged ~~soldier, sailor, or marine~~ member of the Armed Forces of the United States, and whether or not licensed to hawk, peddle, or vend goods, wares, or merchandise, who violates this section is guilty of a misdemeanor.

1 *SEC. 3. Section 1820 of the Military and Veterans Code is*
2 *amended to read:*

3 1820. Any person who willfully wears or uses the badge,
4 lapel button, rosette, or other recognized and estimable insignia
5 of the ~~American Legion, Disabled American Veterans, or~~
6 ~~Veterans of Foreign Wars~~ veterans' organizations specified in
7 subdivision (a) of Section 1800, unless he or she is entitled to
8 wear or use it under the rules and regulations and with the
9 express permission of the ~~American Legion, Disabled American~~
10 ~~Veterans, or Veterans of Foreign Wars~~ veterans' organizations
11 specified in subdivision (a) of Section 1800, is guilty of a
12 misdemeanor and is punishable for a first conviction by
13 imprisonment for a term not to exceed 30 days in the county jail,
14 or a fine not to exceed five hundred dollars (\$500), except that if
15 the person has been previously convicted of a violation of this
16 section, that conviction shall be specified in the accusation and if
17 found to be true or admitted by the person, a second or
18 succeeding violation of this section is punishable by
19 imprisonment not to exceed six months in the county jail, or a
20 fine not to exceed one thousand dollars (\$1,000), or both ~~such~~
21 fine and imprisonment.

22 Nothing in this section shall preclude prosecution for violation
23 of any other law.

24 *SEC. 4. No reimbursement is required by this act pursuant to*
25 *Section 6 of Article XIII B of the California Constitution because*
26 *the only costs that may be incurred by a local agency or school*
27 *district will be incurred because this act creates a new crime or*
28 *infraction, eliminates a crime or infraction, or changes the*
29 *penalty for a crime or infraction, within the meaning of Section*
30 *17556 of the Government Code, or changes the definition of a*
31 *crime within the meaning of Section 6 of Article XIII B of the*
32 *California Constitution.*

33 ~~SECTION 1. Section 1800 of the Military and Veterans Code~~
34 ~~is amended to read:~~

35 ~~1800. As used in Section 1801:~~

36 ~~(a) "Veterans' organizations" means the Air Force Sergeants~~
37 ~~Association, American Legion, American Veterans of WW II,~~
38 ~~Korea, and Vietnam, Armed Forces Retirees Association of~~
39 ~~California, Association of the United States Army, California~~
40 ~~Association-County Veterans Service Officers, California~~

~~Council of Chapters-Military Officers Association of America,
California Department of the Reserve Officers Association,
Disabled American Veterans, Fleet Reserve
Association-Southwest, Fleet Reserve Association-West Coast,
Jewish War Veterans, Legion of Valor, Marine Corps League,
Military Order of the Purple Heart, National Association for
Uniformed Services, Paralyzed Veterans of America, the Retired
Enlisted Association, Veterans of Foreign Wars, Vietnam
Veterans of America-California Council, WAVES National, or
other duly recognized organization of honorably discharged
soldiers, sailors, or marines of the United States, or any of their
auxiliaries.~~

~~(b) "Poppy" means any article fashioned of cloth, paper, or
other material which represents or resembles the poppy or other
flower.~~

~~(c) "Badge" means any badge, rosette, lapel button, or other
insignia of any veterans' organization or any imitation thereof.~~

~~(d) "Label" means any card, paper, sign, certificate, banner, or
other material containing the name of or a similar name to that of
any veterans' organization.~~

~~SEC. 2. Section 1820 of the Military and Veterans Code is
amended to read:~~

~~1820. Any person who willfully wears or uses the badge,
lapel button, rosette, or other recognized and estimable insignia
of the Air Force Sergeants Association, American Legion,
American Veterans of WW II, Korea, and Vietnam, Armed
Forces Retirees Association of California, Association of the
United States Army, California Association-County Veterans
Service Officers, California Council of Chapters-Military
Officers Association of America, California Department of the
Reserve Officers Association, Disabled American Veterans, Fleet
Reserve Association-Southwest, Fleet Reserve Association-West
Coast, Jewish War Veterans, Legion of Valor, Marine Corps
League, Military Order of the Purple Heart, National Association
for Uniformed Services, Paralyzed Veterans of America, the
Retired Enlisted Association, Veterans of Foreign Wars, Vietnam
Veterans of America-California Council, or WAVES National,
unless he or she is entitled to wear or use it under the rules and
regulations and with the express permission of the Air Force
Sergeants Association, American Legion, American Veterans of~~

1 WW II, Korea, and Vietnam, Armed Forces Retirees Association
2 of California, Association of the United States Army, California
3 Association-County Veterans Service Officers, California
4 Council of Chapters Military Officers Association of America,
5 California Department of the Reserve Officers Association,
6 Disabled American Veterans, Fleet Reserve
7 Association-Southwest, Fleet Reserve Association-West Coast,
8 Jewish War Veterans, Legion of Valor, Marine Corps League,
9 Military Order of the Purple Heart, National Association for
10 Uniformed Services, Paralyzed Veterans of America, the Retired
11 Enlisted Association, Veterans of Foreign Wars, Vietnam
12 Veterans of America-California Council, or WAVES National, is
13 guilty of a misdemeanor and is punishable for a first conviction
14 by imprisonment for a term not to exceed 30 days in the county
15 jail, or a fine not to exceed five hundred dollars (\$500), except
16 that if the person has been previously convicted of a violation of
17 this section, that conviction shall be specified in the accusation
18 and if found to be true or admitted by the person, a second or
19 succeeding violation of this section is punishable by
20 imprisonment not to exceed six months in the county jail, or a
21 fine not to exceed one thousand dollars (\$1,000), or both such
22 fine and imprisonment.

23 Nothing in this section shall preclude prosecution for violation
24 of any other law.

25 SEC. 3. No reimbursement is required by this act pursuant to
26 Section 6 of Article XIII B of the California Constitution because
27 the only costs that may be incurred by a local agency or school
28 district will be incurred because this act creates a new crime or
29 infraction, eliminates a crime or infraction, or changes the
30 penalty for a crime or infraction, within the meaning of Section
31 17556 of the Government Code, or changes the definition of a
32 crime within the meaning of Section 6 of Article XIII B of the
33 California Constitution.